HONOURABLE SRI G.S.SINGHVI,

THE CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE

R.SUBHASH REDDY

-

WRIT APPEAL No. 2302 OF 2005

Between:

Hullappa S/o Dondia and others.

… Petitioners

And

The Secretary, Irrigation & Power (Irr.IV)

Department, Government of A.P.,

Secretariat, Hyderabad and others.

…. Respondents

::JUDGMENT::

-

Counsel for appellants : Sri V.Tulasi Reddy

Counsel for respondents : Sri C.V.Mohan Reddy

Advocate-General

20th December, 2005.

Per G.S.Singhvi, C.J.

This appeal is directed against order dated 27.10.2005 passed by the learned Single Judge in writ petition No.9661 of 2005 whereby he declined the appellants' prayer for deposit of the amount in relation to O.P.No.87 of 1987.

On 25.11.2005, this court, after taking cognizance of the fact that the lands of the appellants were acquired in 1987 and the amount of compensation had not been paid despite finalisation of the proceedings in the Supreme Court on 3.1.2000, directed the respondents to pay the amount of compensation within a period of 10 days. On 7.12.2005, the court directed issuance of notice to the Chief Secretary, Government of Andhra Pradesh, Secretary, Irrigation and Power Department, District Collector and Sub-Collector, Nizamabad because amount of compensation had not been paid to the appellants in terms of the direction given on 25.11.2005. On the next date of hearing i.e. 13.12.2005, the learned Advocate-General appeared and made a statement that a sum of Rs.10,26,700/- has been paid to the claimants. He also gave out that four of the claimants are yet to receive the amount of compensation.

Today, the learned Advocate-General gave out that three of the remaining persons have already received the amount of compensation, but one person could not be contacted.

Learned counsel for the appellants says that the remaining claimant will be in Nizamabad by tomorrow. He further submits that the amount paid to the appellants does not represent the total compensation payable to them.

Keeping in view the statements made by the learned counsel for parties, we dispose of the appeal with the following directions:

1. The remaining claimant should contact District Collector, Nizamabad on or before 23.12.2005. He shall be paid the proportionate amount of compensation within next 24 hours.

2. The appellants shall be entitled to put-forward their claim for payment of what they consider to be the balance amount of compensation in E.P.No.5 of 2004 pending in the court of Senior Civil Judge, Bodhan, Nizamabad District. The non-petitioners in that petition shall be entitled to file objections against the claim of the

appellants. Thereafter, the concerned court shall pass appropriate order within a maximum period of three months.

3. Either of the parties, which may feel aggrieved by the order of the Senior Civil Judge, Nizamabad shall be free to avail appropriate legal remedy.

G.S.Singhvi, C.J.

20.12.2005.

R.Subhash Reddy, J.

VR.